

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUSTIN BLACKBURN,

Plaintiff,

Case No. 08-11597

v.

HONORABLE DENISE PAGE HOOD

GRAI and GENESEE COUNTY,

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation, dated September 24, 2008. Magistrate Judge Morgan recommends that Defendant Genesee County Sheriff's Department's Motion to Dismiss be denied, and the case caption be amended to substitute "Genesee County" for "Genesee County Sheriff's Department" and the case proceed against Genesee County and Grai. To date, Defendant Genesee County has not filed any objection to the Magistrate Judge's Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Virginia M. Morgan, dated September 24, 2008 is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS ORDERED that Defendant Genesee County Sheriff's Department's Motion to Dismiss [Docket No. 9, filed on May 28, 2008] is DENIED.

IT IS FURTHER ORDERED that the case caption shall be amended to reflect Genesee County as a party defendant.

IT IS SO ORDERED.

Dated: December 10, 2008

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record and Justin Blackburn, Reg. No. 599528, Florence Crane Correctional Facility, 38 Fourth St., Coldwater, MI 49036 on December 10, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager